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FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY, VA 20153

In re Application of
GRAHAM et al.
Application No.: 10/522,539
PCT No.: PCT/GB03/03266
Int. Filing Date: 24 July 2003
Priority Date: 27 July 2002
Attorney Docket No.: K-0128
For: PLANT WATERING SYSTEM

NOTIFICATION

This decision is in response to applicants submission filed in the United States Patent and Trademark Office (USPTO) on 27 January 2005.

BACKGROUND

On 24 July 2003, applicants filed international application PCT/GB03/03266 which claimed a priority date of 27 July 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 February 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 January 2005.

On 27 January 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of inventors.

DISCUSSION

A review of the declaration of inventors filed 27 January 2005 reveals that the first-named inventor is listed as both Graham Graham and Neil Bunette Graham. The international application lists Graham Graham as the first-named inventor. A new declaration of inventors specifying only one name for Mr. Graham--his correct name--is required. If Mr. Graham's correct name is Neil Bunette Graham, a proper petition under 37 CFR 1.182 is also required since the difference in names between the declaration of inventors and the international application would be more than a mere typographical error or a phonetic misspelling of applicant's legal name. Such a petition would need to be accompanied by the requisite petition fee of \$400 as well as a statement from the inventor. This statement would need to set forth that he is a joint inventor of the subject matter of the present application and would need to set forth the circumstances surrounding the difference in names on the international application and the declaration.

CONCLUSION

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


Daniel Stemmer

Legal Examiner

PCT Legal Affairs

Office of Patent Cooperation Treaty

Legal Administration

Telephone: 571-272-3301

Facsimile: 571-273-0459